

REMARKS

Claims 15, 17, 27, 33 and 34 are pending in the present application.

This Amendment is in response to the Office Action mailed January 28, 2008. In the Office Action, the Examiner rejected claims 15, 17, 27, 33 and 34 under 35 U.S.C. §103(a) as being unpatentable over Kikuchi et al. (U.S. Patent No. 6,577,811) in view of Ando et al. (U.S. Patent No. 6,389,222). Reconsideration in light of the remarks made herein is respectfully requested.

Applicant respectfully traverses the rejection for the following reasons.

Since the present application was filed January 27, 2000 and claims foreign priority to JP application 11-20345 filed January 28, 1999, the priority filing date of January 28, 1999 is the applicable invention date.

Ando et al. was filed on December 30, 1999 and claims continuation-in-part priority to U.S. Application No. 09/348,267 filed July 7, 1999. Even assuming the applicable teachings were disclosed in the priority application, its filing date post-dates the priority date of the present application. Accordingly, Ando et al. is not available as a prior art reference (In re Hilmer, 359 F.2d 859, 149 USPQ 480 (CCPA 1966)), and therefore, the Applicant respectfully requests that the rejection under 35 U.S.C. §103(a) be withdrawn.

CONCLUSION

In view of the remarks, it is respectfully submitted that the pending claims are in condition for allowance, and such action is respectfully solicited. If it is believed that a telephone conversation would expedite the prosecution of the present application, or clarify matters with regard to its allowance, the Examiner is invited to contact the undersigned attorney at the number listed below.

The Commissioner is hereby authorized to charge payment of any required fees associated with this Communication or credit any overpayment to Deposit Account No. 04-1175.

Respectfully submitted,

PIONEER NORTH AMERICA, INC.

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Steve A. Wong, Esq.
Reg. No. 37,968

PIONEER NORTH AMERICA, INC.
INTELLECTUAL PROPERTY DEPARTMENT
2265 E. 220th Street
Long Beach, CA 90810
(310) 952-3300